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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,537	04/27/2001	Robert W. Baxter	9266-2	3743
20792	7590	02/08/2005		
MYERS BIGEL SIBLEY & SAJOVEC PO BOX 37428 RALEIGH, NC 27627			EXAMINER CORRIELUS, JEAN M	
			ART UNIT 2162	PAPER NUMBER

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/844,537	BAXTER ET AL.
	Examiner	Art Unit
	Jean M Corrielus	2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11/26/04.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5, 12-16 and 23-27 is/are rejected.
- 7) Claim(s) 6-11, 17-22 and 28-33 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This office action is in response to the request for consideration filed on November 26, 2004, in which claims 1-33 are presented for further examination.

Response to Arguments

2. Applicant's arguments filed June 25, 2004 have been fully considered but they are not persuasive. (See Examiner's remark).

Claim Rejections - 35 U.S.C. ' 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-5, 12-16 and 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eidson US Patent no. 5,923,557.

As to claims 1, Eidson discloses the claimed limitations "storing a command for the controller in a database, wherein the command is selected from a group of commands consisting of a write command that is configured to write a value of a real-time process control variable to the controller and read command that is configured to read a value of a real time process control variable from the controller" as the means wherein the information in the database includes a set of device specific information for each of the process control devices detected by the mapping

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processor, wherein the device specific information for a particular process control device includes information such as the number of variables associated with the process control device, the triggering requirement, wherein in general, each variable associated with a process control device maps to a channel (col.4, lines 55-65). Eidson does not explicitly disclose the use of detecting the stored command in the database. Eidson, however discloses the use of obtaining a set of information pertaining to the process control wherein the information described the process control according to the predetermined device oriented protocol that corresponds to the standard interface (col.2, lines 55-62; col.4, lines 28-40 and 55-65), wherein the information in the database includes a set of device specific information for each of the process control devices detected by the mapping processor (col.4, lines 55-65). Eidson discloses also the use of “sending the detected command to the controller” as a way of passing the information to the mapping processor which has stored into the database the controllers (items 60, 61 and 62) (col.6, lines 3-32). Therefore, it would have been obvious to one of ordinary skill in the art of data processing, at the time the present invention was made to modify the teachings of Eidson, wherein the process control system, provided therein (See Edison’s fig.3) would incorporate the use of detecting the stored command in the database, as the same conventional manner of detecting the device connected to the field bus depends on the predetermined protocol of the field bus, as disclosed by Eidson (col.2, lines 55-62; col.4, lines 28-40 and 55-65). Such modification would provide Edison’s system the enhanced computing ability for enabling the application controller to communicate with the process control, thereby controlling the correspondence process control

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and decreasing the difficulty and cost of maintaining the process control system securing information delivery.

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As to claims 2, Eidson discloses the claimed limitation “verifying that the stored command is a valid command for the controller” as obtaining information such as the triggering requirement (col.5, lines 22-29).

As to claims 3, Eidson discloses the claimed limitations “sending a write command that is configured to write a first value of a first real-time process control variable to the controller” by writing the interface specific configuration information in the device oriented interface database with appropriate values (col.5, lines 15-20); and “sending a read command that is configured to write a first value of a first real-time process control variable to the controller responsive to sending the write command that is configured to write the first value of the first real time process control variable to the controller” as reading the device specific information from the device dictionary and writing it to appropriate entries in the device oriented interface database (col.5, lines 43-47).

As to claims 4, Eidson discloses the claimed limitations “receiving a response from the controller responsive to sending the retrieved command to the controller” (col.6, lines 1-7); and “updating a status of the retrieved command sent to the controller in a command table in the database to indicate whether the retrieved command sent to the controller succeeded or failed” as updating the dictionary server attached to field bus as new process control device become available or modified in term of device specific information (col.5, lines 61-64).

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As to claims 5, Eidson discloses the claimed limitation “updating the current value associated with the first real time process control variable in a tag in the table in the database with the first real time process control variable read from the controller responsive to receiving the response from the controller” as updating the dictionary server attached to field bus as new process control device become available or modified in term of device specific information (col.5, lines 61-64).

As to claims 12-16:

Claims 12-16 are for system claims performing the methods of claims 1-5. They are similarly rejected.

As to claims 23-27

Eidson has computer program embedded in the computer can be used to performed Claims 23-27 are for computer readable medium containing instructions performed by the methods of claims 1-5. They are similarly rejected.

Allowable Subject Matter

5. Claims 6-11, 17-22 and 28-33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reason for Indicating Allowable Subject Matter

6. The present application has been thoroughly reviewed. Upon extensive and exhaustive searches of various databases (see search notes in case jacket), the examiner respectfully submits that the claimed feature --providing a tag table in the database that comprises definitions of a plurality of real time process control variables, wherein each of the plurality of real time process control variables is associated with a monitoring frequency and a current value; periodically sending a read command that is configured to read a value of a real-time process control variable for respective ones of the plurality of real time process control variables from the controller based on the respective monitoring frequencies; and updating the respective current values for respective ones of the plurality of real time process control variables with the respective values of the real time process control variables read from the controller-- in the method, system and computer program of claims 6, 17 and 28 respectively and in conjunction with all other limitations of the dependent and independent claims would not found anticipated or obvious over the prior art made of record.

Remark

(A). Applicant asserted that Eidson does not disclose or suggest storing a command for a controller in a database where the command is selected from a write command that is configured to write a value of a real-time process control variable to the controller and a read command that is configured to read a value of a real time process control variable from the controller. The examiner disagrees with the precedent assertion. However, when read and analyzed in the light

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of the specification, the invention as claimed does not support applicants' assertion. Moreover, the claims do not capture the essence of the invention as argued in applicants' remark pages 5-6. It is important, applicants are interpreting the claims very narrow without considering the broad teachings of the reference used in the rejection. In the last office action, the examiner went through the claims phrase by phrase and referred to the prior art column and line number as to where he has drawn the correspondences between applicants' claims phrases and prior art. By failing to address these correspondences, applicants have failed to rebut the examiner's prima facie case of obviousness uses for a different purpose which does not alter the conclusion that its use in a prior art device would be prima facie obvious from the purpose disclosed in the reference. Moreover, the system of Eidson allows the mapping processor to detect from the database a set of device specific information for each of the process control devices, wherein the process control devices includes specific information for a particular process control device such as the number of variables associated with the process control device and the triggering requirements, wherein in general, each number variable associated with a process control device maps to a channel (col.4, lines 55-65). Furthermore, the examiner has acknowledged during the course of the examination that Eidson does not disclose the use of "providing a tag table in the database that comprises definitions of a plurality of real time process control variables, wherein each of the plurality of real time process control variables is associated with a monitoring frequency and a current value; periodically sending a read command that is configured to read a value of a real-time process control variable for respective ones of the plurality of real time process control variables from the controller based on the respective monitoring frequencies; and updating the respective current values for respective ones of the plurality of real time process

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control variables with the respective values of the real time process control variables read from the controller”, which is the novelty feature of the invention. The applicants are reminded that the examiner is entitled to the broadest reasonable interpretation of the claims. The Applicants always have the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater 162 USPQ 541, 550-51 (CCPA 1969). Eidson substantially discloses the invention as broadly claimed in claim 1. Hence the 35 U.S.C 103 is hereby sustained.

(B). Applicants asserted that Edison does not disclose or suggest the use of detecting the stored command in the database and sending the detected command to the controller. The examiner disagrees with the precedent assertion.

The examiner kindly submits that the Applicants misread the applied references. However, when read and analyzed in light of the specification, the invention as claimed does not support applicants' assertions. Actually, Applicants are interpreting the claims very narrow without considering the broad teaching of the references used in the rejection. The aforementioned assertion wherein Edison fails to teach applicants' claimed element “detecting the stored command in the database and sending the detected command to the controller”, was unsupported by objective factual evidence and was not found to be substantial evidential value. Applicants should duly note that Edison discloses a system that allows the mapping processor to detect from the database a set of device specific information for each of the process control devices, wherein the process control devices includes specific information for a particular process control device

such as the number of variables associated with the process control device and the triggering requirements, wherein in general, each number variable associated with a process control device maps to a channel (col.4, lines 55-65) and passing said specific information to the mapping processor which has stored into the database the controllers (items 60, 61 and 62) (col.6, lines 3-32). Moreover, Applicants are reminded that for the above mentioned assertion to have merit, it is important to applicants provide some forms of evidence that convincingly show that examiner's references do not meet the claims language. Applicants are also reminded that 37 CFR 1.111(b) states, "a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirement of this section". Therefore, Applicants' assertions are just mere allegation with no supported fact by failing to specifically point out how the language of the claims patentably distinguished them from the cited references. The Examiner in many occasions has tried to reach out to the Applicants by explaining the differences between the invention as claimed and the cited reference used in the rejection and by indicating to the Applicants the allowable features of the invention, there is no resolve. Thus, after further review and consideration the examiner submits that Eidson substantially discloses the invention as claimed, the 103 rejection is hereby sustained.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean M. Corrielus whose telephone number is (571) 272-4032. The examiner can normally be reached on Tuesday - Friday (7:30 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jean M. Corrielus

Patent Examiner

February 6, 2005